

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-15 have been rejected under 35 USC § 103(a) as being unpatentable over *Reham et al.* in view of *Short*. Accordingly, Claims 1-15 remain active in the present application.

In response to the subject rejection of Claims 1-15, applicant has amended each of independent Claims 1 and 11 so as to patentably distinguish over the combination of *Reham, et al.* and *Short*. More particularly, Claim 1 has been amended to indicate that the bolt and carrier are integral and movable together in order to clearly distinguish over the teachings of the primary reference, *Reham, et al.* By requiring the bolt and carrier to move together, the present invention allows the mold sealing surface and bolt carrier sealing surface to come into juxtaposition while simultaneously bringing the bolt into the depression in the mold. This simultaneous action is not taught by *Reham, et al.*, which requires two separate actions separated by time and using independently activated mold components

The action of applicant's filter forming and infusible material packing steps is further emphasized by the present amendment to Claim 1 which specifies that the protrusion on the bolt is dimensioned and adapted to press a sheet of filter material into the depression and to pack an infusible material provided in the depression. Simply put, *Reham, et al.* and *Short* have absolutely no corresponding capability of performing these functions with a bolt and bolt carrier and lack the structure necessary to perform and manufacture an infusion pod as set forth in applicant's Claim 1.

A comparison of *Reham, et al.* with the structure and operation stated in applicant's Claim 1 reveals a significant difference. First, *Reham, et al.* does not have an integral bolt and bolt carrier

which are movable together in such a manner that the bolt carrier sealing surface is juxtaposed to a mold sealing surface while simultaneously bringing a bolt into a depression as required in applicant's Claim 1. In Fig. 1 in *Reham, et al.*, there is no bolt which enters into a depression on a mold. There is merely a clamping action around the upper rim of the bottom mold and the lower rim of the top mold. There is no bolt whatsoever in this arrangement and no entry into a mold cavity.

Moreover, in Fig. 1 in *Reham, et al.*, there is no dual function protrusion which is dimensioned and adapted to press a sheet of filter paper into the depression in the mold and to pack an infusible material provided in the depression. *Reham, et al.* specifically teaches against packing any material within the bottom mold, as a relatively large void or head space is required to allow the infusion material to expand and prevent the top and bottom plies of filter paper from bursting.

Turning to Fig. 2 in *Reham, et al.*, it is noted that the mechanical tamper 20 and electrically heated sealing head 28 are independently actuated, by necessity. As such, they do not form an integral bolt and bolt carrier which are movable together as required in applicant's Claim 1. It is clearly stated in *Reham, et al.* at columns 13 and 14 that the operation of the machines in Figs. 1 and 2 of *Reham, et al.* requires separate and independent components to carry out the sealing operations between two sheets of filter paper and the filter paper forming step which requires a damping ring 6 in Fig. 1 and a mechanical tamper 20 in Fig. 2. Because the infusible material in *Reham, et al.* must not be compacted or packed in any way, tamper 20 (and damping ring 6) must first be independently actuated apart from any form which provides a sealing operation as specified in applicant's Claim 1.

Moreover, neither of the examples of Figs. 1 or 2 in *Reham et al.* provides for any packing contact between the infusible material and either the mechanical tamper 20 and electrically heated

sealing head 28 in Fig. 2, or the damping ring 6 and heated piston-driven head 8 in Fig. 1. There is simply no corresponding structure or operation in *Reham, et al.* which is the equivalent of that set forth in applicant's Claim 1. Accordingly, it is submitted that applicant's Claim 1 clearly defines over *Reham, et al.*

Considering next applicant's independent Claim 11, it is submitted that Claim 11 has been amended to require that the scaling operation is executed simultaneously with a packing operation on the infusible material. This is clearly shown and described in applicant's Fig. 1C. Such simultaneous action is nowhere to be found in *Reham, et al.* since any packing operation is explicitly avoided in *Reham, et al.* due to the requirement for an unpacked, loosely filled pod capable of expanding when wetted with a brewing liquid.

As stated in applicant's prior response, *Reham, et al.* addresses a completely different problem and offers a completely different solution to the manufacture of a pod. The pods in *Reham, et al.* are intended for use in automatic drip coffeemakers which support a pod only on its underside and therefore allow for the free expansion of the infusible material within the pod to the point where the pod filter paper can burst if no void or clearance space is provided for expansion. In contrast, the present invention is directed to espresso-type pressurized brewing, wherein a pod is encapsulated and held tightly on all sides within a pressurized brewing chamber. As such, the infusible material is not allowed to expand and is constrained within a relatively rigid chamber. Thus, the infusible material may be packed within the pod without fear of bursting the pod during brewing.

Turning next to the combination of *Reham, et al.* in view of *Short*, it is respectfully submitted that *Short* fails to rectify the deficiencies noted above, insofar as *Short* has been cited solely for the teaching of the provision of a biasing spring effect.

It is submitted that applicant's Claim 1, as well as dependent Claims 2-10 which depend therefrom, merit an indication of patentability as do applicant's Claim 11 and independent Claims 12-15 which depend therefrom.

Respectfully submitted,
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